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DEPARTMENT OF STATE

[Public Notice: 10780]

Bureau of Oceans and International Environmental and Scientific Affairs

ACTION: Notice of Annual Certification of Shrimp-Harvesting Nations.

SUMMARY: On April 23, 2019, the acting Under Secretary of State for Economic Growth, Energy, and the Environment declared that wild-caught shrimp harvested in the following nations, particular fisheries of certain nations, and Hong Kong are eligible to enter the United States: Argentina, Australia (Northern Prawn Fishery, the Queensland East Coast Trawl Fishery, the Spencer Gulf, and the Torres Strait Prawn Fishery), the Bahamas, Belgium, Belize, Canada, Chile, China, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France (French Guiana), Gabon, Germany, Guatemala, Guyana, Honduras, Iceland, Ireland, Jamaica, Japan (shrimp baskets in Hokkaido), Republic of Korea (mosquito nets), Malaysia (East Coast of the peninsula), Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Peru, Russia, Spain (Mediterranean red shrimp), Sri Lanka, Suriname, Sweden, the United Kingdom, Uruguay, and Venezuela. For nations, economies, and fisheries not listed above, only shrimp harvested from aquaculture is eligible to enter the United States. All shrimp imports into the United States must be accompanied by the DS-2031 Shrimp Exporter's/Importer's Declaration.

DATES: This notice is applicable on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

FOR FURTHER INFORMATION CONTACT: Joseph Fette, Section 609 Program Manager, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, 2201 C Street, NW, Washington, DC 20520-2758; telephone: (202) 647-2335; email: DS2031@state.gov.

SUPPLEMENTARY INFORMATION:

Section 609 of Public Law 101-162 (“Sec. 609”) prohibits imports of wild-caught shrimp or products from shrimp harvested with commercial fishing technology unless the President certifies to the Congress by May 1, 1991, and annually thereafter, that either:

(1) the harvesting nation has adopted a regulatory program governing the incidental taking of relevant species of sea turtles in the course of commercial shrimp harvesting that is comparable to that of the United States and that the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of sea turtles by United States vessels in the course of such harvesting;

or (2) the particular fishing environment of the harvesting nation does not pose a threat of the incidental taking of sea turtles in the course of shrimp harvesting. The President has delegated the authority to make this certification to the Secretary of State (“Secretary”) who further delegated the authority to the Under Secretary of State for Economic Growth, Energy, and the Environment (“Under Secretary”). The Department of State’s Revised Guidelines for the Implementation of Section 609 were published in the Federal Register on July 8, 1999, at 64 FR 36946.

On April 23, 2019, the acting Under Secretary certified 13 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Colombia, Costa Rica, Ecuador, El Salvador, Gabon, Guatemala, Guyana, Honduras, Mexico,

Nicaragua, Nigeria, Panama, and Suriname. The acting Under Secretary also certified 26 shrimp-harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Ten nations and Hong Kong only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The 10 nations are the Bahamas, Belize, China, the Dominican Republic, Fiji, Jamaica, Oman, Peru, Sri Lanka, and Venezuela.

A completed DS-2031 Shrimp Exporter's/Importer's Declaration ("DS-2031") must accompany all imports of shrimp and products from shrimp into the United States. Importers of shrimp and products from shrimp harvested in the 39 certified nations and one economy listed above must either provide the DS-2031 form to Customs and Border Protection at the port of entry or provide the information required by the DS-2031 through the Automated Commercial Environment. DS-2031 forms accompanying all imports of shrimp and products from shrimp harvested in uncertified nations and economies must be originals with Box 7(A)(1), 7(A)(2), or 7(A)(4) checked, consistent with the form's instructions with regard to the method of harvest of the shrimp and based on any relevant prior determinations by the acting Under Secretary, and signed by a responsible government official of the harvesting nation. The acting Under Secretary did

not determine that shrimp or products from shrimp harvested in a manner as described in 7(A)(3) in any uncertified nation or economy is eligible to enter the United States.

Shrimp and products of shrimp harvested with turtle excluder devices (“TEDs”) in an uncertified nation may, under specific circumstances, be eligible for importation into the United States under the DS-2031 Box 7(A)(2) provision for “shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States.” Use of this provision requires that the Secretary or his or her delegate determine in advance that the government of the harvesting nation has put in place adequate procedures to monitor the use of TEDs in the specific fishery in question and to ensure the accurate completion of the DS-2031 forms. At this time, the acting Under Secretary has determined that only shrimp and products from shrimp harvested in the Northern Prawn Fishery, the Queensland East Coast Trawl Fishery, and the Torres Strait Prawn Fishery in Australia, in the French Guiana domestic trawl fishery, and in the East Coast fishery of peninsular Malaysia are eligible for entry under this provision. The importation of TED-caught shrimp from any other uncertified nation will not be allowed. A responsible government official of Australia, France, or Malaysia must sign in Block 8 of the DS-2031 form accompanying these imports into the United States.

In addition, the acting Under Secretary has determined that shrimp and products from shrimp harvested in the Spencer Gulf region in Australia, with shrimp baskets in Hokkaido, Japan, with “mosquito” nets in the Republic of Korea, and Mediterranean red shrimp (*Aristeus antennatus*) and products from that shrimp harvested in the Mediterranean Sea by Spain may be imported into the United States under the DS-2031 Box 7(A)(4) provision for “shrimp harvested in a manner or under circumstances

determined by the Department of State not to pose a threat of the incidental taking of sea turtles.” A responsible government official of Australia, Japan, the Republic of Korea, or Spain must sign in Block 8 of the DS-2031 form accompanying these imports into the United States.

The Department of State has communicated these certifications and determinations under Sec. 609 to the Office of International Trade of U.S. Customs and Border Protection.

William H. Gibbons-Fly,

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